

**R e m a r k s**

**I. Status of the Application**

Claims 19-26, 52-59, 79, 88-90 and 92-100 are pending in the application. Claims, 19, 89 and 90 are amended.

**II. Telephone Interview**

Applicants thank the Examiner for conducting a telephone interview on November 5, 2008.

During the Interview, the invention described by claim 19 was discussed in light of the cited art. No agreement was reached.

**III. Claim Rejections - Claim 89**

Claim 89 has been rejected for allegedly failing to comply with the enablement requirement. Claim 89 is amended as shown above. Support for the amendment to claim 89 is found at page 16, lines 19-22, for example.

**IV. Claim Rejections - 35 U.S.C. § 102**

Claims 19-21, 23-25, 52-54, 56-58, 79, 88, 90, 92-96, and 98-100 have been rejected under 35 U.S.C. 102(a) as being allegedly anticipated by US Publication No. 2003/0158862 ("Eshel"). The rejection is respectfully traversed.

Amended Claim 19 and Claim 52

Claim 19 defines a method for de-migrating one or more data files stored on a source storage device storing a plurality of source data files, to a target storage device. Claim 19 requires “storing in a target storage device a plurality of target data files corresponding respectively to respective ones of a plurality of source data files stored in a source storage device” and “storing in each respective target data file information identifying the corresponding source data file,” and “activating a de-migration procedure to copy data from the source storage device to the target storage device, after target data files have been stored for all source data files in the plurality.” Claim 19 has been amended to require “receiving from a host device, at the target storage device, a request specifying a data file, while the de-migration procedure is executing” and “examining, in a target data file corresponding to the specified data file, selected information identifying a corresponding source data file.” Claim 19 also requires “retrieving requested data from the corresponding source data file” and “providing the requested data to the host device.”

Claim 52 is a system claim that corresponds to amended claim 19.

Eshel discloses a system for providing a standby file system with a snapshot feature. (Abstract). In a disclosed example, cited by the Examiner, a mirror-type snapshot of data on an original file system is generated by transferring the entire data set to a second file system. (Paragraph [0130]). The mirror copy of the file system is periodically updated by generating new snapshots of the original system and determining changes that have occurred. Snapshot tags identifying each snapshot and the file system from which the snapshot was captures are also

used. ([0132]). Eshel also discusses performing snapshots to back up a file system to tape while allowing continued read/write access to the file system during the backup process. ([0127]).

Eshel does not teach or suggest “receiving from a host device, at the target storage device, a request specifying a data file, while the de-migration procedure is executing,” as required by amended claim 19 and claim 52. As discussed in the Third Amendment dated June 17, 2008, and discussed above, paragraph [0127] of Eshel discloses backing up a “file system” to “tape” while “allowing continued read/write access to the file system during the backup process.” Eshel does not, however, teach or suggest receiving a request at the tape system, as required by amended claim 19 and claim 52.

Therefore, amended claim 19 and claim 52, and their respective dependent claims, are not anticipated by Eshel. The dependent claims also include allowable limitations.

#### **Amended Claim 90**

Claim 90 defines a method for de-migrating one or more data files stored on a source storage device storing a plurality of source data files, to a target storage device. Claim 90 has been amended to require, in part, “receiving, at the target storage device, a data processing request specifying a target data file while the de-migration procedure is executing.” For the reasons set forth above, neither Eshel nor any of the other cited art teaches or suggests this limitation. Therefore, amended claim 90 and its dependent claims are not anticipated by Eshel. The dependent claims also include allowable limitations.

**V. Claim Rejections - 35 USC § 103****A. Claims 22, 26, 55 and 59**

Claims 22, 26, 55 and 59 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Eshel in further view of U.S. Publication No. 2006/0010154 ("Prahlad"). The rejection is respectfully traversed.

Claims 22 and 26 depend from amended claim 19. Claims 55 and 59 depend from claim 52. For the reasons set forth above, amended claim 19 and claim 52 are not anticipated by Eschel. None of the other cited art teach or suggest the combination of amended claim 19 and claim 52, either. Therefore, claims 22, 26, 55 and 59 are patentable over the cited art. The dependent claims also recite allowable subject matter.

**B. Claim 89**

Claim 89 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Eshel in further view of U.S. Patent No. 6,993,679 ("George"). Claim 89 is amended and the rejection is respectfully traversed.

Claim 89 depends from amended claim 19. For the reasons set forth above, amended claim 19 is not anticipated by Eschel. None of the other cited art teach or suggest the combination of claim 19, either. Therefore, claim 89 is patentable over the cited art. Claim 89 also contains allowable subject matter.

**C. Claim 97**

Claim 97 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Eshel in further view of U.S. Patent No. 5,564,037 ("Lam"). The rejection is respectfully traversed.

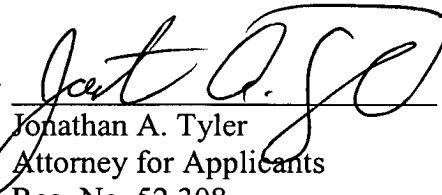
Claim 97 depends from amended claim 19. For the reasons set forth above, amended claim 19 is not anticipated by Eschel. None of the other cited art teach or suggest the combination of amended claim 19, either. Therefore, claim 97 is patentable over the cited art. Claim 97 also contains allowable subject matter.

**VI. Conclusion**

In view of the foregoing, each of claims 19-26, 52-59, 79, 88-90 and 92-100, as amended, is believed to be in condition for allowance. Accordingly, entry and reconsideration of these claims are respectfully requested.

Respectfully,

By



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